

(c) Citation of owner or operator of offending vessel

If any officer authorized to enforce this subchapter (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 773e of this title, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b) of this section. If a permit has been issued pursuant to this subchapter for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(d) United States district court jurisdiction

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this subchapter. Any such court may, at any time—

- (1) enter restraining orders or prohibitions;
- (2) issue warrants, process in rem or other process;
- (3) prescribe and accept satisfactory bonds or other security; and
- (4) take such other actions as are in the interest of justice.

(e) Witnesses; records and files

When requested by the appropriate authorities of Canada, officers or employees of the Coast Guard, the National Oceanic and Atmospheric Administration or any other agency of the United States may be directed to attend as a witness, and to produce such available records and files or duly certified copies thereof as may be necessary for the prosecution in Canada of any violation of the Convention or any Canadian law relating to the enforcement thereof.

(f) Investigations by Secretary of Commerce; powers; process

(1) In cooperation with such other agencies as may be appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations as are deemed necessary to carry out the purposes of this subchapter.

(2) For the purpose of all investigations which, in the opinion of the Secretary, are necessary and proper for the enforcement of this subchapter, the Secretary or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Secretary deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place or hearing.

(3) Process of the Secretary may be served by anyone duly authorized by him either—

- (A) by delivering a copy thereof to the individual to be served, or to a member of the partnership to be served, or the president, secretary, or other executive officer or a director of the corporation to be served; or the agent designated for service of process;

(B) by leaving a copy thereof at the residence or the principal office or place of business of such individual, partnership, or corporation; or

(C) by mailing a copy thereof by registered or certified mail addressed to such individual, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the individual so serving such complaint, order, or other process setting forth the manner of service shall be proof of same, and the returned post office receipt for such complaint, order, or other process mailed by registered or certified mail shall be proof of the service of the same.

(Pub. L. 97-176, § 11, May 17, 1982, 96 Stat. 82.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 773j. Authorization of appropriations

There is hereby authorized to be appropriated for fiscal year 1983 and beyond, such sums as may be necessary for carrying out the Convention and this subchapter, including—

(a) necessary travel expenses of the United States Commissioners or alternate Commissioners; and

(b) the United States share of the joint expenses of the Commission: *Provided*, That the Commissioners shall not, with respect to commitments concerning the United States share of the joint expenses of the Commission, be subject to section 262(b)¹ of title 22 insofar as it limits the authority of United States representatives to international organizations with respect to such commitments.

(Pub. L. 97-176, § 12, May 17, 1982, 96 Stat. 84.)

§ 773k. Location of office space and other facilities on or near University of Washington campus in State of Washington

There are hereby authorized to be appropriated such sums as may be necessary for the Secretary of State to provide for fiscal year 1983 and beyond, by contract, grant, or otherwise, facilities for office and any other necessary space for the Commission. Such facilities shall be located on or near the campus of the University of Washington in the State of Washington and shall be provided without regard to the cost-sharing provisions in the Convention.

(Pub. L. 97-176, § 13, May 17, 1982, 96 Stat. 84.)

CHAPTER 10A—SCKEYE OR PINK SALMON FISHING**§§ 776 to 776f. Repealed. Pub. L. 99-5, § 13, Mar. 15, 1985, 99 Stat. 15**

Section 776, acts July 29, 1947, ch. 345, § 2, 61 Stat. 511; July 11, 1957, Pub. L. 85-102, §§ 1-3, 71 Stat. 293, provided

¹ So in original. Probably should be section “262b”.

definitions for this chapter. See section 3631 et seq. of this title.

Section 776a, acts July 29, 1947, ch. 345, § 3, 61 Stat. 511; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294, related to unlawful acts by persons or vessels. See section 3631 et seq. of this title.

Section 776b, acts July 29, 1947, ch. 345, § 4, 61 Stat. 512; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294, related to penalties imposed for the omission of or fraudulent returns, records, and reports. See section 3631 et seq. of this title.

Section 776c, acts July 29, 1947, ch. 345, § 5, 61 Stat. 512; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294, related to penalties and forfeitures, and procedures involving violations. See section 3631 et seq. of this title.

Section 776d, acts July 29, 1947, ch. 345, § 6, 61 Stat. 513; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, provided enforcement procedures for this chapter. See section 3631 et seq. of this title.

Section 776e, acts July 29, 1947, ch. 345, § 7, 61 Stat. 514; July 11, 1957, Pub. L. 85-102, § 4, 71 Stat. 294, related to the cooperation of Federal agencies and the conduct of scientific investigations. See section 3631 et seq. of this title.

Section 776f, acts July 29, 1947, ch. 345, § 8, 61 Stat. 514; Oct. 18, 1972, Pub. L. 92-504, 86 Stat. 907, related to authorizations. See section 3631 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Section 13 of Pub. L. 99-5 provided that the repeal of this chapter is effective Dec. 31, 1985.

EFFECTIVE DATE

Section 10 of act July 29, 1947, which provided that this Act [this chapter] shall be effective thirty days from the date of its approval [July 29, 1947], was repealed by Pub. L. 99-5, § 13, Mar. 15, 1985, 99 Stat. 15.

SHORT TITLE

Section 1 of act July 29, 1947, as amended by Pub. L. 85-102, § 3, July 11, 1957, 71 Stat. 294, which provided that this Act [this chapter] may be cited as the “Sockeye Salmon or Pink Salmon Fishing Act of 1947”, was repealed by Pub. L. 99-5, § 13, Mar. 15, 1985, 99 Stat. 15.

SAVINGS PROVISION

Section 9 of act July 29, 1947, which provided that if any provision of this Act [this chapter] is held invalid for any cause, such invalidity shall not affect the other provisions hereof, was repealed by Pub. L. 99-5, § 13, Mar. 15, 1985, 99 Stat. 15.

CHAPTER 10B—FISH RESTORATION AND MANAGEMENT PROJECTS

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§ 777. Federal-State relationships

(a) Cooperation between Federal Government and State fish and game departments; expenditure of funds

The Secretary of the Interior is authorized and directed to cooperate with the States through their respective State fish and game departments in fish restoration and management projects as hereinafter set forth: No money apportioned under this chapter to any State, except as hereinafter provided, shall be expended therein until its legislature, or other State